

STATEMENT OF PURPOSE

RS19539

This legislation clarifies that the time periods in the Idaho Administrative Procedures Act (APA) for seeking reconsideration or judicial review of an agency action begin to run when the order is served upon the parties to an agency proceeding. The need for this legislation became clear in 2009 after the Idaho Supreme Court decision in *Erickson v. Idaho Board of Registration Professional Engineers and Professional Land Surveyors*. In that case, the court held that the period for seeking judicial review begins when an order was "issued", as provided in the APA, rather than when the order was "served" on the parties, as provided in the Idaho Rules of Administrative Procedure. The court held that "issuance" under the APA does not mean or require service upon the parties. This could result in the time for seeking review beginning to run without the parties' knowledge. This legislation ensures that parties receive notice when the time for seeking review of the agency order begins.

FISCAL NOTE

This legislation has no fiscal impact to the General Fund.

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